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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,565	10/20/2000	William F. Brooks Jr.	40234/MEG/A484	7788
23363	7590	08/11/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			GORT, ELAINE L	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3627	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,565

Applicant(s)

BROOKS JR. ET AL.

Examiner

Elaine Gort

Art Unit

3627

MM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17-19 are rejected because they lack patentable utility. Claims 17-20 only claim the manipulation of data but perform no concrete, useful or tangible result. This rejection could be overcome by including a positive recitation of a report being generated.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 3627

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 4-10 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks, Jr. et al. (US Patent 6,067,530).

Brooks, Jr. et al. disclose the claimed cash control system comprising: a safe assembly (such as safe 24 which cashier's fed) with a currency reader; a central control unit configured to receive deposit information from the safe assembly and to generate and transmit deposit reports and transmit a pair of identifiers that distinguish deposit information accumulated during an accounting period before a predetermined event and deposit information accumulated during the accounting period after the predetermined event (system generates and transmits deposit reports with identifiers including for example begin and end date and time stamps of when data was gathered, see column 19 lines 55+); and a cash information server configured to receive the deposit information and identifiers from the central control unit and to identify the amount of cash collected by the business establishment during the accounting period (deposit information is received for accounting use).

Functional recitation(s) used in apparatus claims (e.g. "wherein whether the deposit information was accumulated during the accounting period before the predetermined event or during the accounting period after the predetermined event is indicated by whether the identifiers are different from one another or identical to each other" as recited in claim 1) are given little patentable weight because they fail to add

Art Unit: 3627

any structural limitations and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. In the event Brooks, Jr. et al. discussed above is found to not inherently include a networked computer system, claims 1-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks, Jr. et al. in view of Examiner's Official Notice.

Brooks, Jr. et al. discloses the claimed device but is silent regarding networked communication among all the parties involved with the deposit. Examiner takes official notice that it is notoriously old and well known in the art of data communication to utilize networked computer systems to produce low cost, accurate and speedy communication of data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cash control system of Brooks, Jr. et al. with

Art Unit: 3627

networked computers of Examiner's official notice, in order to provide low cost, accurate and speedy communication of the deposit data among the parties of interest.

Regarding claim 3, the Examiner takes Official Notice that the use of MICR (magnetic-ink character recognition) for electronically communicating data is notoriously old and well known in the art of data communication and the use of MICR is especially common for use in identifying bank checks and it would have been obvious to use MICR to produce low cost, accurate and speedy data communication of deposited check information. It would have further been obvious to one having ordinary skill in the art at the time the invention was made to provide the cash control system of Brooks, Jr. et al. and Examiner's official notice, as modified above with MICR as taught by Examiners Official Notice in order to provide low cost, accurate and speedy communication of deposited check data among the parties of interest.

Response to Arguments

7. Applicant has argued that Brooks, Jr. et al. does not disclose a central control unit which receives” as claimed in claim 1 and claim 17.

Examiner contends that Brooks, Jr. et al. does disclose the claimed central control unit. As the Applicant has not pointed out precisely what limitation Brooks, Jr. et al. lacks other than reciting huge sections of the claims, which represent blanket arguments, it is hard for the Examiner to know what the Applicant feels is specifically lacking. The Examiner contends that Brooks, Jr. et al. discloses “a pair of identifiers” which for example could include any information that identifies deposit information, such

Art Unit: 3627

as shown in column 16. The Examiner contends that Brooks, Jr. et al. discloses identifiers that indicate if the accounting information is from before or after a predetermined event which for example may include canister information relating to a begin date and an end date as shown in column 19 lines 55+ which are updated and can meet the claim requirements.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.


Elaine Gort
Examiner
Art Unit 3627

August 4, 2004